

Amendment and Response to Office Action
Serial No. 09/653,406
Page 5

REMARKS

The present application is directed to methods for reducing the formation of surgical adhesions and for the controlled release of therapeutic or diagnostic agents by administering a biocompatible, polymerizable, macromer composition containing at least one NO carrying region or NO modulating compound. Prior to the present amendment, Claims 18 and 20-24 and 32-46 were pending. Upon entry of this amendment, Claims 18, 20-21, and 32-46 will be pending in this application. Claims 22-24 have been cancelled without prejudice. Claims 18 and 20 have been amended. No new matter is added and support for the amendments is found throughout the specification and in the original claims.

Examiner Interview

Applicants wish to thank the Examiner for the time and helpful suggestions made during a telephone interview with applicants' agent, Dr. Elena S. Polovnikova, on May 12, 2006. During the interview, the outstanding rejections and possible claim amendments were discussed.

Claim Rejections under 35 U.S.C. §112, first paragraph

In the Office Action mailed February 13, 2006, the Examiner rejected Claims 18, and 20-24 under 35 U.S.C. §112 for lack of enablement. Applicants respectfully submit the amendments to the claims overcome the rejection.

As suggested by the Examiner in the telephone interview of May 12, 2006, applicants have amended Claim 18 to remove language directed to therapeutic or diagnostic

Amendment and Response to Office Action
Serial No. 09/653,406
Page 6

agents. Likewise, Claim 20 has been amended from a method of treating a disorder or condition to a method of reducing formation of surgical adhesions. Support for the amendments can be found on page 4, lines 1-19, page 13, lines 20-32, and page 15, lines 5-19. Claims 22-24 have been cancelled without prejudice.

In the Office Action mailed February 13, 2006, the Examiner rejected Claim 22 as failing to comply with the written description requirement. Claim 22 has been cancelled without prejudice.

For at least the foregoing, applicants respectfully assert that the rejections of Claims 18, and 20-24 under 35 U.S.C. §112 have been overcome and request withdrawal thereof.

Non-Statutory Double Patenting Rejection

In the Office Action mailed February 13, 2006, the Examiner provisionally rejected Claims 20-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 20-25 of commonly owned U.S. Patent Application Serial No. 10/129,418. Applicants respectfully submit that Claims 20-25 were cancelled in Application Serial No. 10/129,418 prior to its issuance as United States Patent No. 7,052,711 on May 30, 2006.

For at least the foregoing, applicants respectfully submit that the provisional rejection of Claims 20-24 under the judicially created doctrine of obviousness-type double patenting has been overcome and request withdrawal thereof.

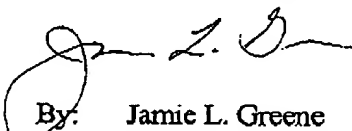
Amendment and Response to Office Action
Serial No. 09/653,406
Page 7

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed February 13, 2006. Applicants submit that the claims are now in condition for allowance and respectfully request that the application be passed to issuance. If the Examiner believes that any informalities remain in the case, which may be corrected by Examiner's amendment, or that there are any other issues that can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 745-2473 is respectfully solicited.

The Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Respectfully submitted,


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